

residence or the county attorney where there is not a district attorney shall be allowed by order of the commissioners court of the county where such official resides, as in the judgment of the commissioners court may be necessary to the proper administration of the duties of such office, not to exceed, however, the sum of seventy-five (\$75.00) dollars per month. Such amount as may be thus necessarily incurred shall be paid by the commissioners court upon the affidavit made by the district attorney or the county attorney showing the necessity of such expense and for what same was incurred. The commissioners court may also require any other evidence as in their opinion may be necessary to show the necessity of such expenditure, but they shall be the sole judge as to the necessity of such expenditure and their judgment allowing same shall be final. The maximum amount for deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, a sum not to exceed a rate of fifteen hundred (\$1500.00) dollars per annum; others not to exceed a rate of twelve hundred (\$1200.00) dollars per annum. Provided, however, that in counties having a population of 37,500 to 100,000 inhabitants, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of twenty-one hundred (\$2100.00) dollars per annum; heads of each department not to exceed the sum of eighteen hundred (\$1800.00) dollars per annum; others not to exceed a rate of fifteen hundred (\$1500.00) dollars per annum.

Provided, however, that in counties having a population in excess of 100,000 inhabitants, as shown by the last scholastic census, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of twenty-four hundred (\$2400.00) dollars per annum; heads of each department not to exceed the sum of twenty-one hundred (\$2100.00) dollars per annum; others not to exceed a rate of eighteen hundred (\$1800.00) dollars per annum.

The county judge in issuing his order granting authority to appoint deputies or assistants shall state in such order the number of deputies or assistants authorized, but the amount of compensation to be allowed each deputy or assistant shall be

fixed by the officer requesting same, and shall be paid out of the fees of office to which said deputies or assistants may be appointed and shall not be included in estimating the maximum salaries of the officers named in Articles 3881 to 3886, such salaries to be paid out of the fees of the office in the following manner:

First, out of any current fees collected, and if such fees are not sufficient, then out of any delinquent fees collected and which are due the county after all legal deductions are made and lastly, if there be any balance remaining after the payment of the maximum salary due the officer and the salaries due the deputies, then such balance to be paid to the county treasurer.

Sec. 2. The fact that there is no law in this State authorizing officers of such counties to allow an increase of salaries of their clerks and deputies, and in view of the fact that such clerks and deputies are now forced to work for insufficient wages because of the increased cost of living, creates an emergency and an imperative public necessity and that the rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, June 10, 1920.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro. Tem. A. C. Buchanan.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bledsoe.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Sulter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Hertzberg.

Absent—Excused.Carlock.
Davidson.

Gibson.

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Senators Excused.

Senator Davidson was excused by unanimous consent for today.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

The following bill was introduced,

By Senator Caldwell:

S. B. No. 99, A bill to be entitled, "An Act to amend Sections 12 and 16 of Chapter 81 of the General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Second Called Session and approved July 1, 1919, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

Senate Concurrent Resolution No. 6.

Senator Clark sent up the following concurrent resolution:

S. C. R. No. 6, providing for sine die adjournment June 12, 1920.

Senator Woods moved to lay the motion on the table.

As a substitute, on the motion of Senator Caldwell, the resolution was referred to the Committee on Civil Jurisprudence.

Simple Resolution No. 14.

Senator Dudley sent up the following simple resolution:

Resolved, That the Senate hereby request the House to return House Bill No. 64 for further consideration and correction.

DUDLEY.

The resolution was read and adopted.

Senate Bill No. 68.

The Chair laid before the Senate pending under special order, with pending amendment,

S. B. No. 68, A bill to be entitled "An Act declaring the pink bollworm (*pectinophora gossypiella*) a pest and its eradication and destruction a public necessity, and providing a method by which pests may be eradicated, destroyed and prevented from spreading; authorizing the Commissioner of Agriculture to appoint pink bollworm inspectors to inspect fields of the State, defining their rights and duties and setting forth in detail the method and manner of inspection; defining the duties of the Commissioner of Agriculture, county judges and other State officers with reference thereto; providing for the creation of a Pink Bollworm Commission and defining its duties; prescribing certain duties for the Governor under this Act and authorizing him to proclaim a quarantine of lands and premises infested by the pink bollworm and authorizing the Governor to proclaim a limited quarantine zone; also an emergency quarantine; designing the purposes of each of such quarantines and authorizing the Governor to order the destruction of cotton and cotton products in infested fields and fully defining the method by which each of the aforesaid quarantines is to be brought about and the method by which cotton products in infested fields are to be destroyed; defining and setting forth the court proceedings with reference to the same; creating a Board of Appraisers and defining their duties; conferring authority upon county judges and county and district courts with reference to the valuation and damage of property to be destroyed; declaring when and how the Commissioner of Agriculture shall be authorized to destroy property from infested fields; continuing

the regulated quarantine zone now in existence under Chapter 41, General Laws of the Regular Session of the Thirty-sixth Legislature; declaring that cotton cannot be grown in regulated quarantine zones established by the Governor except with compliance with this act, and defining a clean up necessary to comply with this act, and conferring certain authority with reference thereto on the Commissioner of Agriculture; conferring authority upon the Commissioner of Agriculture to recommend the prohibiting of the growing of cotton in an infested field, and conferring certain authority upon the Government with reference thereto and providing a method of compensating the owner; defining the terms and conditions upon which cotton and cotton products originating in any regulated quarantine zone may be shipped therefrom and conferring certain authority upon the Commissioner of Agriculture with reference thereto; defining what may be done with cotton and cotton seed grown in a regulated quarantine zone; conferring authority upon the University of Texas, and the Agricultural and Mechanical College of Texas, to institute and continue a system of experiments for the purpose of developing a practical method for the extermination of the pink bollworm and all insect pests which affect agricultural products; creating offenses for the violation of this Act and prescribing a punishment therefor; making an appropriation for the purposes of this Act; defining certain duties for the Governor, Commissioner of Agriculture, county judges of the State and the Attorney General, and conferring certain authority and jurisdiction upon the county and district courts to be exercised in the enforcement of the act; repealing all laws and parts of laws in conflict herewith; providing if the courts declare any provisions, etc., of this act unconstitutional, illegal or inoperative it shall not affect remaining provisions, etc., of this bill, and declaring an emergency."

Pending amendment by Senator Davton:

Amend Senate Bill No. 68 by inserting between Sections 2 and 3, the two following sections to be numbers 3 and 4, and renumbering the remaining sections, commencing with Section 3 of the bill as number 5.

"Section 3. There is hereby created a zone along the boundary between the State of Texas and the Republic of Mexico, comprising the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron, and that part of Dimmitt County south of a line drawn diagonally across the county from the northwest corner of the county where it joins Zavalla and Maverick counties to the southeast corner of the said Dimmitt County on the line of LaSalle County, for the purpose of aiding in the prevention of the introduction into this State of the cotton pest *Pectinophora Gossypiella* Saunders, hereinafter referred to as the pink bollworm.

Section 4. It shall be the duty of the Commissioner of Agriculture of this State to maintain a rigid inspection of the cotton fields, and of the cotton and cotton products in the zone provided for in Section 3 of this Act, in such manner as to determine the presence of pink bollworm in all stages of development, and whenever the pest is discovered in such zone the Commissioner shall certify that fact to the Governor of the State, who shall immediately proclaim a quarantine of such territory in the zone, and such territory adjacent thereto, as may be deemed necessary to prevent further advance of the pest into Texas; and thereafter it shall be unlawful for any person or persons to transport cotton, or cotton products of any kind from any territory within the counties in such zone, or the territory adjacent thereto embraced in such quarantine proclamation, through or to any other part of the State of Texas, or transport any car or vehicle or freight or other article contaminated with cotton seed, or other products of cotton capable of carrying the pink bollworm in any of its stages from the counties embraced in such zone through or to any other point in Texas, unless and until it shall have been freed from cotton seed or other cotton products and shall have been properly fumigated or disinfected in such manner as the Commissioner of Agriculture of this State shall direct. Any and all such fumigation or disinfection and the cost of such protective measures against the spread of the pink bollworm shall be paid by the owners of the cotton or cotton products, or of the car, vehicle, freight, or other article used for such

transportation of cotton or its products."

Amend Section 16 so as to read as follows:

"Section 16. When cotton grown in a field or fields is found infested with the pink bollworm and is destroyed and paid for under the provisions of this Act, the Commissioner of Agriculture may direct the Pink Bollworm Commission to conduct an inquiry into the fact of infestation on or before the first day of January of the succeeding year with a view to determining whether or not the conditions of menace to the cotton industry has been effectively abated by the act of destruction of such cotton or cotton products. Upon the receipt of their report it shall be the duty of the Commissioner of Agriculture to notify the Governor of the results of said investigation, who may issue his proclamation prohibiting the growing of cotton on such field or fields for such succeeding year, if deemed necessary. Provided, that in the event the owner shall be compensated by the State of Texas for the damage accruing to such owner by reason of such prohibition upon the basis of the difference between the profits accruing to the owner from crops other than cotton raised on such field or fields and the profits that might reasonably, under all of the circumstances surrounding the particular case have accrued to the owner if cotton had been grown on said field or fields. In the event the Governor and the Commissioner of Agriculture of this State can not agree with the owner of such field or fields on the amount of compensation, then exactly the same procedure shall be resorted to as is prescribed in this Act for the determination of the amount of compensation in the case of the destruction of cotton growing in a field or fields and the same method of payment shall apply."

The amendment was read and laid on the table pending the reading of the bill by sections.

Executive Session Set.

On the motion of Senator McNealus an Executive Session was set for 11 o'clock Saturday.

Senator Suiter's Point of Order on H. B. No. 68.

Senator Suiter made the point of

order that House Bill No. 68 should follow the House Bill Calendar.

The Chair overruled the point of order.

Message from the Governor.

Mr. Raymond Brooks, a messenger from the Governor, appeared at the bar of the Senate with the following executive message:

Governor's Office,

Austin, Texas, June 9, 1920.

To the Thirty-sixth Legislature in Third Called Session:

The State Democratic Platform of 1918 contains the following:

"We believe that land settlement, the acquisition of homes by the homeless, the improvement of the general economic and social conditions of farm settlers within the State, are problems of the utmost importance to all the people of the State. We urge the submission to the people by the Legislature of an amendment to the Constitution which will have for its purpose the promotion of more intense agricultural development of idle land by assisting deserving and qualified persons to acquire farms and homes through an extension of the State's credit, properly safeguarded."

In fulfillment of this demand, House Joint Resolution No. 19, known as the home ownership amendment to the Constitution, passed the House of Representatives on February 7, 1919, by a vote of 110 ayes and 11 nays, and passed the Senate, with amendments on February 14, by a vote of 22 ayes and 1 no. The House concurred in these amendments by a vote of 115 ayes to 2 noes, and this question was submitted to a vote of the people of Texas on May 24, 1919. The official returns on this amendment were 152,422 for and 153,243 against, while returns of two counties giving a majority for the amendment were improperly made, and therefore not counted. Petitions are being circulated and very numerous signed requesting the State Executive Committee, at the meeting to be held Monday, June 14, to place upon the ballot the following: "For submitting an amendment to the Constitution providing for home ownership"; and "Against submitting an amendment

to the Constitution providing for home ownership."

To obtain a further expression of the people and to further the cause of a measure which has been endorsed by the Democratic Party of Texas and which has been endorsed by the members of your body by almost a unanimous vote, I recommend the passage of a concurrent resolution by your body requesting the Executive Committee to place this subject before the democrats of Texas, because in my judgment such an expression on your part for the consideration of the State Executive Committee will be welcomed by that body, and will unquestionably result in favorable action.

Respectfully submitted,
W. P. HOBBY,
Governor.

Senate Bill No. 68.

The bill was read by sections, and Senator Witt sent up the following amendment to Section 1:

Amend Senate Bill No. 68, page 2 of the printed bill, line 32, by adding after the word "pest" the following words "and a public menace."

The amendment was read.

Senator Cousins moved to table the amendment. The ayes and nays were demanded, and the motion to table was lost, by the following vote:

Ayes—4.

Clark.	McNealus.
Cousins.	Rector.

Nays—23.

Alderdice.	Hall.
Bailey.	Hertzberg.
Eledsoe.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Smith.

Absent—Excused.

Carlock.	Gibson.
Davidson.	

Senate Concurrent Resolution No. 7.

Senator Caldwell received unanimous consent to send up Senate Concurrent Resolution No. 7;

Permitting the Travis County Thomason Club to use the House of Representative Monday night.

The resolution was read and adopted.

Senate Bill No. 93 Withdrawn.

Senator Bailey received unanimous consent to withdraw Senate Bill No. 93 which was introduced by mistake. (Page 247 of Senate Journal).

House Bill Signed.

After its caption was read, the Chair signed in the presence of the Senate House Bill No. 5.

Senate Bill No. 68.

On the motion of Senator Witt, the amendment to section 1 was adopted.

Senator Dayton sent up the following amendment.

Amend the bill, in line 32, page 2, printed bill before "pest" insert words "a dangerously injurious insect."

The amendment was read and adopted.

Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, June 10, 1920.
Hon. W. A. Johnson, President of the Senate.

I am directed by the House to inform the Senate that the House has adopted the following:

S. C. R. No. 4, granting Hon. J. A. Platt, Judge of the 12th Judicial District, leave of absence from the State for two months, beginning July 15, 1920.

S. C. R. No. 5, relating to the Minimum Wage Commission.

S. C. R. No. 7, tendering the use of the Hall of the House of Representatives to the Travis County Thomason for Governor Club, Monday evening, June 14, 1920.

O. P. BASFORD,
Acting Chief Clerk.

Senate Bill No. 68.

Senator Rector sent up the following amendment:

Amend Senate Bill No. 68 as already amended:

In line 32, page 2, after the word "pest" in original section delete what follows and substitute the following: "And its further increase and spread, over the cotton fields of Texas, threatens to become a public nuisance or menace, and it becomes the duty of the State of Texas, through its agricultural department, to adopt and enforce all reasonable and necessary measures, to prevent its further spread, and if possible, to eventually accomplish its complete eradication and destruction."

The amendment was read.

Senator Witt moved to table the amendment, and the motion prevailed.

Senator Cousins sent up the following amendment:

Amend Senate Bill No. 68 by inserting in Section 1, line 31, after the words "pink bollworm (*pectinophora gossypiella*)" the word "infestation."

The amendment was read.

Senator Dayton moved to table the amendment.

The motion to table prevailed.

Senator Page sent up the following amendment to Section 2:

Amend the bill Section 2, page 3, lines 13 to 16 by striking out the following language: "The compensation of such persons so appointed shall be fixed by the Commissioner of Agriculture until such time as the same may be fixed by the appropriation bill or further legislative enactment"; and inserting in lieu thereof the following: "The compensation of such persons so appointed shall be fixed by the Commissioner of Agriculture until such time as the sum may be fixed by legislative enactment and shall not exceed the sum of ten dollars per day for actual services."

The amendment was read and adopted.

Senator Clark sent up the following amendment to Section 2:

Amend Senate Bill No. 68, Section 2, page 3, line 2, by striking out all after the word "entomologist", to the word "as", in line 3, and inserting in lieu thereof "graduated entomologist of the University or A. and M. College, or some other reputable

university, of five years experience."

The amendment was read.

Senator Witt sent up the following substitute for the pending amendment:

Amend Senate Bill No. 68, by adding after the words "persons" in line 6, page 3 the following words "shall have had at least three years experience as entomologist or three years training in the department of science of a reputable college or university and".

Senator Hopkins moved to table the amendment and the substitute.

The motion to table was lost by the following vote:

Yeas—5.

Alderdice.	Hopkins.
Buchanan of Bell.	Williford.
Buchanan of Scurry.	

Nays—21.

Pailey.	Hertzberg.
Bledsoe.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Cousins.	Rector.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.
Hall.	

Present—Not Voting.

Dayton.

Absent.

Woods.

Absent—Excused.

Carlock.

Gibson.

Davidson.

On the motion of Senator Witt, the substitute was adopted.

On the motion of Senator Witt, the amendment as substituted was adopted.

Senator Rector sent up the following amendment:

Amend Section 2, page 3, line 5, by deleting after the word "year", the words "not to exceed in number", and inserting in lieu thereof the words, "such fields to be selected by him where in his judgment there is the greatest probability of infestation and the greatest danger of its spread to other territory, said inspection and examination to be made for the purpose of creat-

ing and surveying, regulation districts, wherever the inspection made shall disclose the necessity for such regulation districts, and in the employment of entomologists for this purpose, he may utilize the services of entomologists now in his employ, or in the employ of the Federal Government, if such can be obtained, and may employ other skilled entomologists as above provided; and provided that the creation and extension of such regulated zones or districts shall be based upon the appropriation herein made for carrying out the purposes of this act and shall only extend to so much territory as can be fully inspected and regulated, and the requirements of this Act carried out in respect thereto, without over-drawing said appropriation, or incurring any additional debt against the State."

The amendment was read, and on the motion of Senator Dayton, the amendment was tabled.

Senator Dayton sent up the following amendment to Section 2:

Before the substituted amendment adopted add words: "Preference given to".

The amendment was read.

Senator Witt moved to table the amendment.

The motion to table prevailed.

Senator Dean sent up the following amendment to Section 2:

Amend Senate Bill No. 68, Section 2, page 3, by adding at the end thereof and as a part thereof the following:

"The Commissioner of Agriculture is hereby authorized and requested to utilize the services of entomologists in the employ of the United States Government in the making of inspections provided for in this bill, and the Horticultural Department of the United States Government is hereby requested to furnish entomologists whose compensation is paid by the United States Government and to cooperate with the Department of Agriculture in this State in the enforcement of the provisions of this Act."

The amendment was read and adopted.

Senator Page sent up the following amendment:

Amend the bill page 4, line 3, by striking out the language: "his

own", and inserting in lieu thereof the following: "Travis".

The amendment was read.

Recess.

On the motion of Senator McNealus, the Senate stood recess until 2:30 this afternoon.

Afternoon Session.

The Senate was called to order by President pro tem, A. C. Buchanan, at 2:30 p. m., pursuant to recess.

Senate Bill No. 68.

The question was on the amendment of Senator Page.

Message from the House.

A messenger from the House appeared at the bar of the Senate with the following message:

Hall of the House of Representatives.
Austin, Texas, June 10, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:
H. C. R. No. 13, Granting leave of absence to Hon. W. P. Leslie, Judge of the 32nd Judicial District.

Respectfully submitted,
NOEL K. BROWN.
Chief Clerk House of Representatives.

Message from the Governor.

Mr. Raymond Brooks, a messenger from the Governor, presented himself at the bar of the Senate with the following executive message:

Governor's Office,
Austin, Texas, June 10, 1920.
To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: I submit for your consideration the following communication received by me from the State Board of Control and from the State Treasurer:

"Answering your inquiry of this date, beg to say it is the opinion of this Board that the estimated balance in the State Treasury on September 1st, 1920, as shown by the financial statement prepared for you some time ago augmented by the reasonable receipts from all sources together with the amount accruing from ad valorem taxes based on the thirty cents rate will be sufficient to take care of the appropriation of five million dollars proposed for the aid of the public schools and the amount of \$958,000.00 which you recommend for the higher institutions of learning providing the same is made available and disbursed as it may be received coming under the same rule observed in disbursing the available school fund."

(Signed) S. B. COWELL,
A. R. JOHNSON,
L. W. TITTLE,

Members, State Board of Control.

"Answering your inquiry relative to the five million dollar appropriation for the benefit of the public schools of Texas, beg to advise that this amount may be apportioned during the scholastic year by the Board of Education and will not produce a deficit nor will it reduce our funds below a reasonable and legitimate working balance."

(Signed) JOHN W. BAKER,
State Treasurer.

Respectfully submitted,
W. P. HOBBY,
Governor.

Senate Bill No. 68.

The ayes and nays were demanded on the amendment of Senator Page, and the amendment was passed by the following vote:

Yeas—18.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Page.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Witt.
Dudley.	Woods.

Nays—9.

Bailey.	Cousins.
Clark.	Faust.

Hall.
McNealus.
Parr.

Rector.
Williford.

Absent.

Smith.

Absent—Excused.

Carlock.
Davidson.

Gibson.

Senator Page sent up the following amendment to Senate Bill No. 68:

Amend the bill, page 4, line 16, by striking out the following language: "The proper court", and inserting in lieu thereof the following: "The District Court of Travis County, Texas".

The amendment was read and adopted.

Senator Page sent up the following amendment to Senate Bill No. 68:

Amend the bill, page 4, lines 20 to 23, by striking out the following language:

"The Commissioner of Agriculture shall have the right to employ attorneys to bring the necessary actions herein provided for, with the consent and approval of the Attorney General"; and inserting in lieu thereof the following: "The attorney General's Department shall bring all the necessary actions herein provided for."

The amendment was read, and adopted.

Senator Witt sent up the following amendment to Senate Bill No. 68:

Amend Senate Bill No. 68, page 3, line 22 by striking out the word "or" and substituting the words "including all lands".

The amendment was read and adopted.

Senator Rector sent up the following amendment to Section 3 of Senate Bill No. 68:

Amend Section 3 as follows: After the word "treasury" at the end of line 8, page 4, insert the following:

Before inspecting any field or farm under this Act, the inspector shall seek permission from the owner or tenant thereof, or of the person in possession for the owner or tenant, and if such permission be granted, the inspector shall call upon such owner or tenant, etc., to accompany him in making such inspection, and he and such owner shall, if possible, agree upon some intelligent and disinterested per-

son, living in the neighborhood, who shall accompany them in making said inspection. If it should be impossible for the inspector to secure the attendance of the owner or tenant or party in possession, and of a disinterested party, as above provided for, or of either of them, then, and in that event, said inspection shall be made by any two of the regular inspectors.

Provided, the owner or his representative or neighbor accompanying them shall sign the inspector's report and certify to its correctness after having read the same. They shall be paid a reasonable compensation for their time actually engaged in said inspection, to be agreed upon by them and the Commissioner of Agriculture.

The amendment was read.

On the motion of Senator Dayton the amendment was tabled.

Senator Floyd sent up the following amendment:

Amend the bill, page 3, line 28, and 29 by striking out the words "Commissioner of Agriculture" and insert in lieu thereof the words "Board of Control," and by striking out the word "him" page 3, line 30, and insert in lieu thereof the word "them", and by striking out the words "Commissioner of Agriculture" on page four, line six, by inserting in lieu thereof the words "Board of Control."

The amendment was read.

Senator Dayton moved to table the amendment. The ayes and nays were demanded, and the motion to table prevailed by the following vote:

Ayes—17.

Alderdice.	Hopkins.
Bledsoe.	Page.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Hertzberg.	

Nays—9.

Bailey.	Hall.
Clark.	McNealus.
Cousins.	Parr.
Faust.	Strickland.
Floyd.	

Absent.

Caldwell.	Smith.
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Absent—Excused.

Carlock.	Gibson.
Davidson.	

Senator Suiter sent up the following amendment to Section 3 of Senate Bill No. 68:

Amend Senate Bill No. 68, page 4, by inserting between lines 8 and 9 a new paragraph as follows:

It shall be unlawful for any owner or tenant of lands subject to inspection under the terms of this act to refuse to permit the inspector or inspectors to inspect such lands or premises and the cotton crops, cotton and cotton seed which may be upon said land or on said premises, and any person found guilty of violation of this act in so refusing is guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$200.00 and any prosecution hereunder shall not affect any civil remedy provided for in this act.

The amendment was read.

Senator Cousins moved to table the amendment. The motion to table was lost.

On the motion of Senator Suiter the amendment was adopted.

Senator Williford sent up the following amendment to Section 4 of Senate Bill No. 68:

Amend Senate Bill No. 68, page 5, line 14, by striking out the word "indicotts" and inserting the word "indicated."

The amendment was read and adopted.

Senator Woods sent up the following amendment to Section 4, Senate Bill No. 68:

Amend Senate Bill No. 68 as follows: Strike out the words "As provided herein" in line 17, page 6, of the bill, section 4, and insert in lieu thereof the following words: "In company with the owner, tenant or representative in possession."

Senator Witt moved to table the amendment. The motion to table prevailed.

Senator Page sent up the following amendment to Section 4, Senate Bill No. 68:

Amend the bill by changing the period in line 6, page 6, to a comma, and inserting the following: "and such compensation shall not exceed \$5.00 per day and reasonable expenses."

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 4 of Senate Bill No. 68:

Amend Senate Bill No. 68 by striking out all of lines 5 to 12 inclusive page 6, following the word "counties" in line 5, and substitute the following:

"and paid by the commissioners courts of the respective counties."

On the motion of Senator Page the amendment was tabled.

Bills Signed.

After their captions had been read the Chair signed in the presence of the Senate the following bills:

H. B. No. 106, H. B. No. 32, H. B. No. 6, H. B. No. 52, H. B. No. 41, H. B. No. 51, H. B. No. 44, H. B. No. 65, H. C. R. No. 10, H. B. No. 43, H. B. No. 42, H. B. No. 33, H. B. No. 29, H. B. No. 24.

Senate Bill No. 68.

Senator Suiter sent up the following amendment to Section 4 of Senate Bill No. 68:

Amend Senate Bill No. 68, page 5, lines 4, 5, 7 and 8, by striking out the word "shall" in each line and insert in lieu thereof the word "may."

The amendment was read and adopted.

Senator Dean sent up the following amendment to Section 4 of Senate Bill No. 68:

Amend the bill by striking out the word "three," line 17, page 5, and inserting in lieu thereof the word "two."

The amendment was read and adopted.

Senator Williford sent up the following amendment to Section 5 of Senate Bill No. 68:

Amend Senate Bill No. 68, page 9, line 12, by striking out the letters "trea" and inserting the word "area."

The amendment was read and adopted.

Senator Suiter sent up the following amendment to Section 5 of Senate Bill No. 68:

Amend Senate Bill No. 68, page 7, line 30, by inserting after the word "United States" the words, "or of the State of Texas or of any county or precinct."

The amendment was read and adopted.

Senator Dean sent up the following amendment to Section 5 of Senate Bill No. 68:

Amend the bill by striking out the word "two" and inserting in lieu thereof the word "one," line 8, page

7, and by striking out the word "one" and inserting in lieu thereof the word "two" line 10, page 7.

The amendment was read and adopted.

Senator Rector sent up the following amendment to Section 5 of Senate Bill No. 68:

Amend Senate Bill No. 68 by striking out Section 5.

The amendment was read.

On the motion of Senator Dayton the amendment was tabled.

Senator Dorrough sent up the following amendment to Section 5 of Senate Bill No. 68:

Amend Senate Bill No. 68, Section 5, page 7, line 19, by striking out the words "elected by" and insert in lieu thereof the following "selected for."

Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, June 10, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the return of House Bill No. 64 for further consideration, which bill is returned herewith.

Respectfully submitted,

NOEL K. BROWN,

Chief Clerk, House of Representatives.

Senate Bill No. 68.

The amendment of Senator Dorrough was read and adopted.

Senator Williford sent up the following amendment to Section 5:

Amend Senate Bill No. 68, page 9, lines 4 and 5, by striking out the word "consideration" and inserting the word "consideration."

The amendment was read and adopted.

Senator Page sent up the following amendment to Section 5:

Amend the bill, page 8, line 4, by inserting after the word "appointment" the following "and same shall not exceed five dollars per day."

The amendment was read and adopted.

House Concurrent Resolution No. 13.

The Chair laid before the Senate H. C. R. No. 13, granting a leave of absence to Hon. W. P. Leslie, Judge of the Thirty-second Judicial District.

The resolution was read and adopted.

Senate Bill No. 90.

Unanimous consent was granted to call up, on the request of Senator Bledsoe,

S. B. No. 90, A bill to be entitled "An Act fixing the fees to be charged by the State Board of Water Engineers upon the filing of applications for permits for the storage, diversion and use of water, limiting the maximum fees in the sum of six thousand dollars; providing the time and terms of payment, to be made in installments, and providing for the fixing of the time for commencing of construction work, when the use of water contemplates the construction of a storage reservoir and the manner of extending the time limits thereon, and the payment of fees therefor."

Senator Bledsoe sent up to be printed in the Journal the following amendment to Senate Bill No. 90:

Amend Senate Bill No. 90 by striking out all after the enacting clause and substituting therefor the following:

Section 1. That Section 33 of Chapter 88 of the General Laws of the Regular Session of the Thirty-fifth Legislature approved March 19, 1917 be, and the same is hereby amended to read as follows:

Section 33. Within ninety days after the date of issuance of the permit provided for in this Act, the applicant seeking to appropriate water thereunder shall begin actual construction of the proposed ditch, canal, dam, lake, reservoir or other work, and shall prosecute the work thereon diligently and continuously to completion; provided, that the board may, by an order entered of record, extend the time for beginning the actual construction of such work for a period not to exceed twelve months from the date of issuance of such permit; and further provided, that if any applicant shall fail to comply with the requirements of this sec-

tion, he, they or it shall thereby forfeit all rights under such permit. If any applicant to whom a permit is issued or one owning prior appropriation shall after beginning the actual construction of work, as provided in this section, fail to thereafter prosecute the same diligently and continuously to completion, the board may, after thirty days notice to the applicant or owner of such appropriation, and giving him an opportunity to be heard, by an order entered of record, revoke and cancel such permit of appropriation in whole or in part; provided any party affected by such order shall have the right of appeal to the district court as in this Act provided. A certified copy of such order shall be forthwith transmitted by the secretary of the board, by registered mail, to the clerk of the county in which such permit is recorded and which order shall be recorded by said county clerk, provided whenever the State Board of Water Engineers shall grant a permit for the use of water, which use contemplates the construction of a storage reservoir they shall be authorized in their discretion to fix the time actual construction work shall commence thereon, not to exceed two years from the date of granting such permit and such time limit may be extended by order of said board upon the payment of such fees as said Board may fix, not to exceed the sum of one thousand dollars, provided that no such extension shall extend beyond four years from the filing of the original application for a permit.

Sec. 2. That Section 41 of Chapter 88, General Laws of the Regular Session of the Thirty-fifth Legislature, approved March 19, 1917, be amended to read as follows:

Sec. 41. The Board shall charge and collect, for the benefit of the State, the following fees:

For filing each and every application for any purpose, a fee of seven and one-half dollars, and in addition thereto:

For filing each and every application for storage of water, except surface waters, a fee of five dollars, provided, that if the application shall contemplate and propose the storage of water in excess of five acre-feet, an additional fee of twenty-five cents shall be charged for each additional acre-foot in excess of

five, up to and including one hundred acre-feet; for each additional one hundred acre-feet, or fraction thereof, in excess of one hundred, an additional fee of ten dollars, up to and including one thousand acre feet; and for each additional thousand acre-feet, above one thousand, an additional fee of twenty-five dollars; provided, that no fee, based on storage, shall be charged for any proposed or contemplated storage of less than five acre-feet.

For filing each application contemplating and proposing the taking or division of water for the purpose of irrigation, ten cents for each and every acre proposed to be irrigated.

For filing each application proposing and contemplating the use of water for the purpose of developing hydraulic power, a fee of two cents for each foot of head for each cubic foot of water per second it is proposed to use.

For filing each application contemplating and proposing the taking, diversion, or use of flowing water for any other purpose than storage, irrigation of land, or the development of hydraulic power, as hereinbefore provided, five cents for each acre-foot of water consumed per annum.

Provided, that in estimating the aforesaid additional fees on a proposed appropriation contemplating the use of water for two or more of the aforesaid purposes, the fees charged shall be cumulative, and a charge made for each use, based on the quantity proposed for each separate use.

Provided that the fees to be paid for filing in the office of the State Board of Water Engineers of applications for storage, diversion and use of water shall not exceed the sum of six thousand (\$6,000.00) dollars for any one such application, permit or project, and the fees provided by law to be paid to the State Board of Water Engineers upon application for such permits for the storage, diversion and use of water for any and all statutory uses when such fees exceed one thousand (\$1,000.00) dollars to be paid as follows:

One-tenth shall be paid when the application is filed. One-tenth shall be paid within thirty days after notice is mailed the applicant that the permit is granted. The balance shall be paid before the use of water is

commenced under the permit and a failure to so pay same shall annul such permit.

For the filing of each and every exhibit, map, affidavit, or other paper authorized to be filed in the office of the Board of Water Engineers, a filing fee of twenty-five cents.

For recording each and every paper authorized or required to be recorded in the records of the office of the board, a fee of one dollar, and in addition thereto, a fee of fifteen cents per folio of one hundred words, in excess of two hundred.

For making and certifying each and every copy of an instrument or paper authorized to be certified under the seal of the board a fee of one dollar, and in addition thereto, a fee of fifteen cents per folio of one hundred words, including the certificate.

For making and certifying copies of any map or blue print thereof, a fee of one dollar, and in addition thereto a fee of seventy-five cents for each hour or fraction thereof necessarily employed by the draughtsman in making such copy.

For filing each application for an extension of time within which to begin actual construction or to complete work, a fee equal to one-half of the original application fees in such case; provided, that if it be simultaneously sought to extend both the time for the beginning and completion of any work theretofore authorized, but one fee shall be charged; and in addition thereto, the usual fees for filing and recording such applications. The fees and charges collected in accordance with the provisions of this Act shall be immediately deposited in the State Treasury to the credit of the general revenue and full and detailed verified monthly and annual reports of all such receipts, as well as of the expenditures of the said board shall be filed with the comptroller of public accounts.

Sec. 3. All laws in conflict with the provisions hereof are hereby repealed in so far as they conflict with the provisions hereof.

Sec. 4. The public importance of the purpose herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and the said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On the request of Senator Bledsoe Senate Bill No. 90 was laid on the table subject to call.

Adjournment.

On the motion of Senator McNealus, the Senate stood adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Petition.

Senator Bailey sent up a petition which was referred to the Committee on Educational Affairs.

Committee Reports.

Committee Room,
Austin, Texas, June 10, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 164, A bill to be entitled "An Act to create a more efficient road system for Blanco County, Texas, etc., and declaring an emergency,"

Have had same under consideration and we beg to report same back to the Senate with the recommendation that it do pass and that it be not printed.

WOODS, Chairman.

Committee Room,
Austin, Texas, June 10, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Sections 12 and 16 of Chapter 81 of the General Laws of the State of Texas, passed by the 36th Legislature at its Second Called Session and approved July 31st, 1919, and declaring an emergency."

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

CALDWELL, Chairman.

By Caldwell. S. B. No. 99.

A BILL.

to be entitled.

An Act to amend Sections 12 and 16

of Chapter 81 of the General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Second Called Session and approved July 31st, 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 12 of Chapter 81 of the Acts of the Thirty-sixth Legislature of the State of Texas, passed at its Second Called Session, be amended so as to hereafter read as follows:

Sec. 12. Permits issued, or to be issued upon applications heretofore filed, or hereafter filed upon any land included in this Act may be assigned as a whole, or in parts of not less than 80 acres each, into one ownership or may be grouped or combined into one organization, upon such terms as the owners may agree, and in one or more groups or combinations not to exceed sixteen sections of 640 acres each, more or less, in one group, for the purpose of developing oil and gas. All such assignments and agreements shall be recorded in the county or counties in which the land or part thereof is situated and shall be filed in the General Land Office within sixty days after the execution of the same, accompanied by one dollar as a filing fee.

Sec. 2. That Section 16, of Chapter 81, of the Acts of the Thirty-sixth Legislature of the State of Texas, passed at its Second Called Session, be amended so as to hereafter read as follows:

Sec. 16. The owner of a permit or combination of permits or of assigned portions thereof, may relinquish to the State such permit or combination of permits, or any whole survey or whole tract, or portion thereof, consisting of not less than 80 acres, included in a permit, at any time before obtaining a lease therefor, by having such relinquishment recorded in the county or counties in which the land or part thereof is situated, and file it in the General Land Office within sixty days after its execution, accompanied by one dollar as filing fees.

Sec. 3. The importance of the subject matter of this legislation, the fact that this is a special session, the crowded condition of the calendar and the near approach of the end of the session, create an emergency and an imperative public neces-

sity, demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and it is so suspended and that this act be in force and effect from and after its passage, and it is so enacted.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, June 11, 1920.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President pro tem, A. C. Buchanan.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bledsoe.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Cousins.	Parr.
Davidson.	Rector.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Caldwell.	Smith.
Clark.	Strickland.

Absent—Excused.

Carlock.	Gibson.
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Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Executive Session Changed.

On motion of Senator McNealus the Executive Session was changed from 11 o'clock Saturday to 11 o'clock Monday morning.

Petitions and Memorials.

See Appendix.

20—Senate.

Committee Reports.

See Appendix.

Messages from the Governor.

A messenger from the Governor presented herself at the bar of the Senate with the following executive messages:

Governor's Office.

Austin, Texas, June 10, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: I transmit herewith below for your information, telegram I have just received from Hon. E. T. Meredith, Secretary, U. S. Department of Agriculture, Washington, D. C.

"I have read the letters of the Chairman of the Federal Horticultural Board presented in identical form on May 31 to you, to the Chairman of the joint Committee and to the presiding officers of the Senate and House of the Texas Legislature and I feel that I ought to say to you that this letter meets with my unqualified approval. The Department is still strongly of the opinion that unless provision is made for regional noncotton zones the State of Texas will lose this only opportunity to effect the complete extermination of the pink bollworm. At the same time the letter of the Federal Horticultural Board in my judgment clearly sets forth the minimum conditions under which continuation of the efforts of the Department to eradicate the pink bollworm from Texas will be possible entirely aside from the question of declaring noncotton zones to cover the infested areas. If these conditions are not met with the Department will be compelled to withdraw its forces engaged in eradication work in Texas to treat the entire state as a unit and to proceed with the issuance of the quarantine discussed at the hearing on April six in order to protect the other cotton growing states."

Respectfully submitted.

W. P. HOBBY.

Governor.

Governor's Office.

Austin, Texas, June 10, 1920.

To the Thirty-sixth Legislature in Third Called Session.

May I direct your attention to the